

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-175 (NEB/TNL)

Plaintiff,

v.

ORDER

Saladean Walker Salean,

Defendant.

This matter is before the Court on Defendant Saladean Walker Salean's Amended Motion for Continuance of Motion Filing Date and Motion Hearing. (ECF No. 17.) Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act ("Statement of Facts"). (ECF No. 18.)

Defendant moves for a continuance of the motion filing deadline, motion hearing date, and related dates. (ECF No. 17 at 1.) Specifically, Defendant requests that the motion filing deadline be extended to October 26, 2022. (*Id.*) Defendant notes that discovery in this case is extensive, including media files and documents, and that his counsel needs additional time to review the material with him. (*Id.*) In his Statement of Facts, Defendant requests that this period of time be excluded from the time in which he would otherwise be brought to trial under the Speedy Trial Act. (*Id.*) The Government does not object to the motion. (*Id.*)

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Chief District Judge for the United States District Court for the District of Minnesota has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On June 1, 2022, the Chief Judge entered General Order No. 36, which allows limited in-person proceedings for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 36 (D. Minn. June 1, 2022). General Order No. 36 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place.

General Order No. 36 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. General Order No. 36 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19. **Accordingly, should Defendant**

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

file pretrial motions, counsel shall also file a letter indicating whether Defendant consents to a motions hearing by videoconference. (See also ECF No. 11.)

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Amended Motion for Continuance of Motion Filing Date and Motion Hearing (ECF No. 17) is **GRANTED**.

2. The period of time from **September 2 through December 8, 2022**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **October 26, 2022**.² D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.³

4. **Counsel shall also file a letter on or before October 26, 2022, indicating whether Defendant consents to a motions hearing by videoconference.**

5. **Counsel shall electronically file a letter on or before October 26, 2022, if no motions will be filed and there is no need for a hearing.**

6. All responses to motions shall be filed by **November 9, 2022**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses⁴ shall be filed by **November 9, 2022**.

² "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

³ U.S. Mail or hand-deliver to 300 South Fourth Street, Suite 9W, Minneapolis, MN 55415.

⁴ "When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party

D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses⁵ shall be filed by **November 15, 2022**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **December 8, 2022**, at **10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

All voir dire questions and jury instructions must be submitted to District Judge Nancy E. Brasel on or before *a date to be determined*.

intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(A).

⁵ "If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(B).

This case must commence trial on *a date to be determined*, before District Judge Brasel in Courtroom 13W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Brasel to confirm the new trial date.

Dated: September 8, 2022

s/Tony N. Leung

TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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